

ORDINANCE NO. 2005 - ____

**AN ORDINANCE OF SANTA ROSA COUNTY, FLORIDA,
IMPOSING FEES TO RECOVER THE COST OF THE
IMPACT OF NEW GROWTH UPON ROADS IN THE
COUNTY; PROVIDING A METHODOLOGY TO IMPOSE
SUCH FEES; PROVIDING A METHODOLOGY TO
PROVIDE CREDITS AGAINST SUCH FEES FOR
MITIGATION OF IMPACTS; PROVIDING FOR
PAYMENT OF IMPACT FEES THROUGH
INSTALLMENTS; PROVIDING FOR USE OF THE
UNIFORM ASSESSMENT COLLECTION ACT TO
COLLECT INSTALLMENT PAYMENTS; PROVIDING
FOR THE PREPARATION OF ASSESSMENT ROLLS TO
IMPLEMENT SAME; PROVIDING FOR THE
IMPOSITION OF LIENS FOR UNPAID ASSESSMENTS
AND IMPACT FEES; PROVIDING FOR SEVERABILITY;
AND, PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA ROSA COUNTY, FLORIDA:**

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the "Santa Rosa County Roadway Impact Fee Ordinance."

SECTION 2. DEFINITIONS. When used in this Ordinance, the following terms shall have the following meanings unless the context clearly requires otherwise. To the extent there is any conflict between the definitions set out below and the definitions set forth in Section 3.00.01 of the Santa Rosa County Land Development Code, the definitions contained in Section 3.00.01 prevail.

"Access Improvements" shall mean improvements designed and constructed to provide safe and adequate ingress and egress from a Road Impact Construction, which include, but are not limited to, rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes, deceleration and acceleration lanes, traffic control devices, signage and markings, and drainage and utilities.

"Accessory Building" or **"Accessory Structure"** shall mean a detached, subordinate Building, meeting all property development regulations, the use of which is clearly incidental and related to the use of the principal Building or incidental to the previous use to which the vacant land is devoted, and which is located on the same lot as that of the principal Building or vacant land use.

"Alternative Road Impact Fee" shall mean any alternative fee calculated by an Applicant and approved by the Planning Director pursuant to Section 9 of this Ordinance.

"Annual Assessment Resolution" shall mean the resolution described in Section 14 of this Ordinance, establishing the Annual Transportation Assessments for a specific Fiscal Year and approving an Annual Assessment Role. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year in which an Annual Transportation Assessment is imposed or reimposed.

"Annual Assessment Roll" shall mean the Assessment Roll adopted each Fiscal Year containing the Outstanding Annual Transportation Assessments conformed in an Annual Assessment Resolution.

"Annual Transportation Assessment" or **"Assessment"** shall mean the annual installment payment of the Road Impact Fee provided in the Initial Assessment Resolution including the Assessable Costs and the Assessment Interest Amount established in such Initial Assessment Resolution or other duly enacted resolution.

"Apartment" shall mean a rental Dwelling Unit located within the same Building as other Dwelling Units.

"Applicant" shall mean the Person who applies for a Building Permit or other activity that will increase the density or intensity of existing land uses.

"Arterial Road" shall mean a route providing service which is relatively continuous and of relatively high traffic volume and long average Trip length, as more particularly described in Section 334.03(1), Florida Statutes, or its statutory successor in function.

"Assessable Costs" shall mean the amount computed by adding: (A) the amount of the Annual Transportation Assessments; and (B) all costs associated with the structure, implementation, collection and enforcement of the Annual Assessments, including any service charges of the County or the Tax Collector and Property Appraiser of the County and amounts necessary to offset discounts received for early payment of the Annual Assessments pursuant to the Uniform Assessment Collection Act and any other costs or expenses related to the allocation of the Annual Transportation Assessments.

"Assessed Property" shall mean all parcels of land described in the Consent and Acknowledgment Agreement and identified in the Initial and Annual Assessment Resolutions.

"Assessment Interest Amount" shall mean the annual interest rate charged against the unpaid Assessable Costs provided in the Initial Assessment Resolution or other duly authorized resolution.

"Assessment Roll" shall mean the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Assessment Term" shall mean the number of Annual Transportation Assessments, excluding the Initial Assessment Installment, to be imposed as provided in the Initial Assessment Resolution and documented in the Consent and Acknowledgment Agreement for each Capacity Assessment Development. The Assessment Term shall not exceed a time period of twenty (20) years.

"Board" shall mean the Board of County Commissioners of the County.

"Building" shall mean any structure, either temporary or permanent, built for the support, shelter, or enclosure of Persons, chattels, or property of any kind. This term shall include tents, trailers, Mobile Homes, or any vehicles serving in any way the function of a Building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a Building Permit.

"Building Permit" shall mean an official document or certificate issued by the County, under the authority of ordinance or law, authorizing the construction or siting of any Building. The term shall also include tie-down permits, site plan approvals, or other development orders for those activities, Structures, or Buildings, such as a Mobile Home, that do not require a Building Permit in order to be undertaken.

"Capacity Assessment Development" shall mean those Road Impact Construction developments where the Owner has elected to pay the Road Impact Fees in installments in the form of an Annual Transportation Assessment by the execution of a Consent and Acknowledgment Agreement.

"City" shall mean collectively, the Cities of Gulf Breeze, Jay and Milton.

"Collector Road" shall mean a route providing service which is of relatively moderate average traffic volume and moderately average Trip length, as more particularly described in Section 334.03(4), Florida Statutes, or its statutory successor in function.

"Comprehensive Plan" shall mean the Comprehensive Plan of the County adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act as contained in Chapter 163, Part II, Florida Statutes, or its statutory successor in function.

"Condominium" shall mean a single-family or time-sharing ownership unit that has at least one other similar unit within the same Building. The term Condominium includes all fee simple or titled multi-unit Buildings, including townhouses.

"Consent and Acknowledgment Agreement" shall mean the agreement containing the acknowledgements and representations provided in Section 14 of this Ordinance which agreement is required to be executed as a condition precedent to the Owner receiving the privilege of paying the Road Impact Fee in installments in the form of an Annual Transportation Assessment rather than a lump sum at the time of Development Approval.

"County" shall mean Santa Rosa County, Florida.

"County Administrator" shall mean the chief administrative officer of the County, designated by the Board to be responsible for coordinating the Annual Transportation Assessments, or such person's designee.

"County Road System" shall mean all roads in the County except for Interstate 10, except the term County Road System shall not include a Local Road within the County Road System or a City Street System as such terms are defined in Section 334.03, Florida Statutes.

"Development Approval" shall mean either final plat approval as defined in Article 4 of the Santa Rosa County Land Development Code or issuance of a building permit for non-platted development or issuance of a building permit in platted development for which a road impact fee has not been paid.

"Dwelling Unit" shall mean a Building, or portion thereof, designed for Residential occupancy, consisting of one (1) or more rooms which are arranged, designed or used as living quarters for one (1) or more Persons.

"Encumbered" shall mean monies committed by contract or purchase order in a manner that obligates the County to expend the Encumbered amount for the delivery of goods, the completion of services, and the conveyance of right-of-way by a vendor, supplier, contractor or Owner. The term includes the pledge of monies as security for bonds or other indebtedness.

"External Trip" shall mean any Trip which either has its origins from or its destination to the Road Impact Construction and which impacts the County Road System.

"Final Assessment Resolution" shall mean the resolution described in Section 14 of this Ordinance which shall confirm, modify, or repeal the Initial Assessment Resolution and which shall be the final proceeding for the initial imposition of Annual Transportation Assessments.

"Final Assessment Roll" shall mean the assessment roll confirmed for each Capacity Development Project by the adoption of a Final Assessment Resolution.

"Fiscal Year" shall mean the period commencing October 1 of each year and continuing during the next succeeding September 30.

"Governmental Buildings" or **"Governmental Facilities"** shall mean property owned by the United States of America or any agency thereof, a sovereign state or nation, the state or any agency thereof, a county, a special district, a school district, or a municipal corporation.

"Impact Fee Land Use Category" shall mean those categories of land use described and incorporated in the Impact Fee Study dated August, 2005, and set forth in Appendix A to this Ordinance.

"Impact Fee Study" shall mean the "Technical Memorandum on the Methods of Calculating Road Impact Fees", dated August 2005, and adopted and incorporated by reference herein pursuant to Section 5 of this Ordinance, including any future revisions.

"Initial Assessment Installment" shall mean the monies required to be paid at the time of the execution of a Consent and Acknowledgment Agreement as a condition for an Owner to exercise the privilege to pay the Assessable Costs in installments as provided in Section 14 of this Ordinance.

"Initial Assessment Resolution" shall mean the resolution described in Section 14 of this Ordinance which shall be the initial proceeding for identification of the Assessable Costs for which an assessment is to be made and for the imposition of an Annual Transportation Assessment.

"Local Road" shall mean a route within the unincorporated area of the County providing service which is of relatively low average traffic volume and short average Trip length, as more particularly described in Section 334.03(14), Florida Statutes, or its statutory successor in function.

"Mobile Home" shall mean manufactured homes, trailers, campers or recreational vehicles.

"New Net Trip" shall mean the average daily External Trips, as adjusted by the Impact Fee Study.

"Off-Site Improvements" shall mean road improvements located outside of the boundaries of a Road Impact Construction which are required by the County in order to serve External Trips, but not including Access Improvements.

"Ordinance" shall mean this Santa Rosa County Roadway Impact Fee Ordinance.

"Outstanding Annual Transportation Assessments" shall mean the Annual Assessments confirmed on a Final Assessment Roll that have not been prepaid pursuant to Section 14 of this Ordinance.

"Owner" shall mean the Person holding legal title to the real property containing the Road Impact Construction.

"Payment Date" shall mean the date the Road Impact Fee payment is due from Road Impact Construction as provided in Section 13 of this Ordinance.

"Person" shall mean any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association, two (2) or more Persons having a joint or common interest, governmental agency, or other legal entity.

"Planning Director" shall mean the Person appointed by the Board to serve as its director of planning and development within the County or the designee of such Person.

"Prepayment Amount" shall mean the amount required to prepay the outstanding and unpaid installments during the Assessment Term for an Annual Transportation Assessment calculated as provided in the Initial Assessment Resolution adopted for the Capacity Assessment Development.

"Property Appraiser" shall mean the Santa Rosa County Property Appraiser.

"Residential" shall mean Apartments, Condominiums, Mobile Homes, Single-Family Houses or assisted living facilities, as such terms are defined by section 400.402(6), Florida Statutes.

"Road Construction District" or "District" shall mean those Districts, as shown in Appendix B to the Ordinance, that are established by the County in Section 7 of this Ordinance,

for the purposes of collection and expenditure of the Road Impact Fees as provided in Section 10 of this Ordinance.

"Road Impact Construction" shall mean land construction designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the generation of vehicular traffic or the number of External Trips, whether through subdividing, rezoning, or other change to an existing land use, or otherwise.

"Road Impact Fee" or **"Fee"** shall mean the Road Impact Fee imposed by the County pursuant to Sections 7 and/or 8 of this Ordinance, or, if applicable, the Alternative Road Impact Fee as set out in Section 9 of this Ordinance.

"Road Impact Fee Rate" shall mean a Road Impact Fee imposed for a particular Road Impact Construction under the applicable Impact Fee Land Use Category established in the schedules listed in Appendix A to the Ordinance from which this article derives for Road Impact Fees.

"Single-Family House" shall mean a home on an individual lot, including duplexes.

"Square Footage" shall mean the gross area measured in feet from the exterior faces of exterior walls or other exterior boundaries of the Building, excluding areas within the interior of the Building which are utilized for parking.

"State Highway System" shall mean the road system of the State of Florida that lies within the County, as defined in Section 334.03(25), Florida Statutes, or its statutory successor in function.

"Tax Collector" shall mean the Tax Collector of the County.

"Tax Roll" shall mean the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Trip" shall mean a one-way movement of vehicular travel from an origin (one Trip end) to a destination (the other Trip end). The word Trip shall have the meaning which it has in commonly accepted traffic engineering practice.

"Trip Generation Rate" shall mean the maximum average daily Trip Generation Rates for the applicable Trip Generation Land Use Category, as defined and adjusted by the Impact Fee Study.

"Trip Generation Land Use Category" shall mean the Trip Generation Land Use Categories established in Trip Generation, 7th edition, published by the Institute of Transportation Engineers.

"Uniform Assessment Collection Act" shall mean Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 3. RULES OF CONSTRUCTION. For the purposes of administration and enforcement of this article, unless otherwise stated in this Section, the following rules of construction shall apply:

(A) The word "shall" is always mandatory and not discretionary; the word "may" is discretionary.

(B) Words used in the present tense shall include the future and words in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

(C) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either . . . or" the conjunction shall be interpreted as follows:

(1) *And* indicates that all the connected terms, conditions, provisions or events shall apply.

(2) *Or* indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) *Either . . . or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(D) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character

SECTION 4. FINDINGS. The Board of County Commissioners of Santa Rosa County hereby finds and determines:

(A) Pursuant to Article VIII, section 1(f), Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to perform

County functions, except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of County ordinances.

(B) The County Road System benefits all residents of the County and, therefore, the Road Impact Fee shall be imposed in all incorporated and unincorporated areas of the County.

(C) Development necessitated by the growth contemplated in the Comprehensive Plan and Impact Fee Study will require improvements and additions to the County Road System to accommodate the traffic generated by such growth and maintain the standards of service adopted by the County.

(D) Future growth, as represented by Road Impact Construction, should contribute to the cost of improvements and additions to the County Road System that are required to accommodate the traffic generated by such growth.

(E) The required improvements and additions to the County Road System needed to eliminate any deficiencies between the existing County Road System and the levels of service adopted by the County shall be financed by revenue sources of the County other than Road Impact Fees.

(F) Implementation of a Road Impact Fee to require Road Impact Construction to pay the cost of required transportation and additions needed by new development is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan.

(G) The County has the statutory responsibility to provide and maintain roads in the County Road System. Road Impact Construction occurring within municipal areas impact the County Road System; therefore, Road Impact Construction is required in this Ordinance to pay the cost of providing the improvements and additions to the County Road System caused by new development (as distinguished from correcting existing deficiencies) whether located in municipal areas or the unincorporated areas of the County.

(H) The Impact Fee Study provides a reasonable and rational methodology to calculate the Road Impact Fee Rate for each Road Impact Construction and is consistent with the rules established in Florida case law for the structure of a valid impact fee.

SECTION 5. ADOPTION OF IMPACT FEE STUDY. The Impact Fee Study entitled "Technical Memorandum on the Methods of Calculating Roads Impact Fees," dated September 5, 2005, attached hereto as Appendix A is hereby adopted and approved and

incorporated in this Ordinance by this reference. The assumptions, conclusions and findings in the Impact Fee Study as to the impact of Road Impact Construction on the County Road System and the costs generated by the new growth represented by such construction is hereby ratified and confirmed.

SECTION 6. MUNICIPAL PARTICIPATION. The provisions of this Ordinance shall apply to Road Impact Construction occurring in both the unincorporated and incorporated areas of the County.

SECTION 7. IMPOSITION.

(A) The schedule of Road Impact Fees set forth in Appendix A, which is imposed upon all Road Impact Construction occurring within both the unincorporated and municipal areas of the County at the rates established under the applicable Impact Fee Land Use Categories in Appendix A are hereby adopted and the Road Impact Fee established in Appendix A is hereby imposed. Commencing on the effective date of this Ordinance, all Road Impact Construction shall pay a Road Impact Fee at the time the Fee is due for payment under Section 13 of this Ordinance. The Road Impact Fee shall be due for all lots in a platted subdivision at the time of final plat approval, or at the time of issuance of a building permit for non-platted development or development of a platted lot for which a road impact fee has not been paid. Road impact fees are not due for road impact construction for which a good faith building permit application has been submitted to Santa Rosa County prior to the effective date. A road impact fee shall not be required at the time of final plat approval if construction plans have been approved by Santa Rosa County prior to the effective date of this ordinance.

(B) The Board hereby establishes three (3) Road Construction Districts, as described in Appendix B, for purposes of collection and expenditure of the Road Impact Fees. Road Impact Fees collected in each District may be spent as provided in Section 10(B) hereof only on that portion of roads in the County Road System located in the District in which such fees were collected.

(C) In the event the Board elects to impose a rural protection zone overlay (as the same may be defined in the enacting instrument creating such overlay) over a Road Construction District, the Board may adopt, by resolution, the Road Impact Fee Rate identified as "rural" in Appendix A to apply to Road Impact Construction occurring in such rural protection zone.

SECTION 8. CALCULATION OF ROAD IMPACT FEES FOR LAND USES NOT INCLUDED IN AN IMPACT FEE LAND USE CATEGORY. In the event that the Planning Director, in his or her discretion, determines that a proposed Road Impact Construction is subject to the Road Impact Fee imposed by this Ordinance and such Road Impact Construction or land use is not contemplated within the Impact Fee Land Use Categories set forth in Appendix A, the Planning Director shall determine the number of New Net Trips to be generated by the proposed Road Impact Construction (or land use) and shall calculate the appropriate Road Impact Fee, utilizing the methodology contained in Appendix A. The Planning Director shall utilize as a standard in this determination the Trip Generation Rates in the most similar Trip Generation Land Use Category or any other generally accepted standard source of transportation engineering or planning.

SECTION 9. ALTERNATIVE ROAD IMPACT FEE CALCULATION.

(A) In the event an Applicant believes that the impact to the County Road System necessitated by its Road Impact Construction is less than the New Net Trips that are assumed under the applicable Impact Fee Land Use Category, such Applicant may, prior to the Payment Date for such Road Impact Construction, file with the Planning Director an Alternative Road Impact Fee. The Planning Director shall review the alternative calculations of the New Net Trips and make a determination within thirty (30) days of submittal as to whether such calculation complies with the requirements of this Ordinance.

(B) For purposes of any Alternative Road Impact Fee calculation, the Road Impact Construction shall be presumed to have the maximum impact on the County Road System for the Trip Generation Land Use Category contemplated under the Road Impact Fee Rate. In addition, the challenged proposed Road Impact Fee must be outside the statistical mean used to calculate the Road Impact Fee to be levied.

(C) The Alternative Road Impact Fee calculation of New Net Trips shall be based on data, information or assumptions contained in this Section of this Ordinance and the Impact Fee Study or an independent source, provided that:

(1) The independent source is a generally accepted standard source of transportation engineering or planning information, or

(2) The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed by a professional engineer or a planner

certified by the American Institute of Certified Planners pursuant to a generally accepted methodology of transportation planning or engineering.

(3) If a previously approved Road Impact Construction project is submitted, during its approval process, a traffic impact study substantially consistent with the criteria required by this Section, and if such study is determined by the Planning Director to be current, the traffic impacts of such previously approved Road Impact Construction shall be presumed to be as described in the prior study. In such circumstances, an Alternative Road Impact Fee shall be established reflecting the traffic impact described in the prior study. There shall be a rebuttable presumption that a traffic impact study conducted more than two (2) years earlier is invalid.

(4) It is acknowledged that the Road Impact Fee Rates are based upon the applicable Trip Generation Rates for the Trip Generation Land Use Categories corresponding to those set forth in Appendix A. In recognition of such acknowledgment, the Trip Generation Rates for the Trip Generation Land Use Categories shall be considered an independent source for the purpose of an Alternative Road Impact Fee calculation without the necessity of a study as required by subsections (C)(1) and (C)(2) of this Section.

(D) If the Planning Director determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that the calculation of the Alternative Road Impact Fee was by a generally accepted methodology, then the Alternative Road Impact Fee shall be paid in lieu of the fee set forth in Appendix A.

(E) If the Planning Director determines that the data, information and assumptions utilized by the Applicant to compute an alternative New Net Trips number do not comply with the requirements of this Section of this Ordinance, then the Planning Director shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection of the Alternative Road Impact Fee and the reasons therefore. The Applicant shall have thirty (30) days from the receipt of the written notification of rejection to request a hearing pursuant to Section 17.

SECTION 10. USE OF ROAD IMPACT FEE PROCEEDS.

(A) The Board hereby establishes three (3) separate trust accounts for the Road Impact Fee, to correspond with the three (3) Road Construction Districts established in Section 7. These trust accounts are designated as the "Road Construction District No. 1 Impact Fee Trust

Account," the "Road Construction District No. 2 Impact Fee Trust Account," and the "Road Construction District No. 3 Impact Fee Trust Account," which accounts shall be maintained separate and apart from all other accounts of the County.

(B) All Road Impact Fees shall be deposited into the appropriate trust account for the Road Construction District from which the fees were collected immediately upon receipt. All Road Impact Fees and all interest accruing thereto shall be used solely for the construction of the portion of the roads in the County Road System in the Road Construction District from which such fees were collected in the manner and for the purposes set forth in subsection (C) below.

(C) The monies deposited into the Road Impact Fee trust accounts shall be used solely for the purpose of constructing or improving that portion of the roads in the County Road System in the appropriate Road Construction District, including, but not limited to:

- (1) Design and construction plan preparation;
- (2) Permitting;
- (3) Right-of-way acquisition, including any costs of acquisition or condemnation;
- (4) Construction of new through lanes;
- (5) Construction of new turn lanes;
- (6) Construction of new bridges;
- (7) Construction of new drainage facilities in conjunction with new roadway construction;
- (8) Purchase and installation of traffic signals;
- (9) Construction of new curbs, medians and shoulders;
- (10) Relocating utilities to accommodate new roadway construction;
- (11) Construction management and inspection;
- (12) Surveying and soils and material testing;
- (13) Repayment of monies transferred or borrowed from any budgetary fund of the County which were used to fund any growth impacted construction or improvements as herein defined;
- (14) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to provide funds to construct or acquire growth impacted capital transportation improvements on the County Road System; and

(15) Transportation planning, development and engineering.

Funds on deposit in the Road Impact Fee trust accounts shall not be used for any expenditure that would be classified as a maintenance or repair expense.

(D) Any monies on deposit which are not immediately necessary for expenditure shall be invested by the County. All income derived from such investments shall be deposited in the appropriate Road Impact Fee trust account and used as provided herein.

(E) The Road Impact Fees collected pursuant to this Section may be returned to the then current Owner of the property on behalf of which such fee was paid if such fees have not been expended or Encumbered prior to the end of the fiscal year immediately following the seventh anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

(1) The then current Owner shall petition the Board for the refund within one hundred eighty (180) days following the sixth anniversary date on which the Road Impact Fee was paid.

(2) The petition for refund shall be submitted to the County Administrator and shall contain:

- (a) A notarized sworn statement that the petitioner is the current Owner of the property on behalf of which the Road Impact Fee was paid;
- (b) A copy of the dated receipt issued for payment of such fee or such other record as would indicate payment of such fee;
- (c) A certified copy of the latest recorded deed; and
- (d) A copy of the most recent ad valorem tax bill.

(3) Within three (3) months from the date of receipt of a petition for refund, the Planning Director will advise the Owner of the status of the Road Impact Fee requested for refund, and if such Road Impact Fee has not been spent or Encumbered within the applicable time period, then it shall be returned to the petitioner. The County shall retain two (2) percent of the Road Impact Fee to offset the costs of administering the refund. For purposes of this Section, fees collected shall be deemed to be spent or Encumbered on the basis of the first fee and shall be the first fee out.

SECTION 11. EXEMPTIONS. The following shall be exempted from payment of the Road Impact Fee:

(A) Alterations, expansion or replacement of an existing Dwelling Unit which does not increase the number of families for which such Dwelling Unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.

(B) The alteration or expansion of a Building if the Building use upon completion does not generate greater External Trips under the applicable Road Impact Fee Rate.

(C) The replacement of a Building or the construction of an Accessory Building or Structure if the replacement Building or Accessory Building or Structure does not result in a land use generating greater External Trips under the applicable Road Impact Fee Rate. Replacement buildings must obtain a building permit within forty eight (48) months of the destruction or removal of the original building.

(D) The construction of Governmental Buildings or Governmental Facilities.

SECTION 12. CHANGES OF SIZE AND USE. A Road Impact Fee shall be imposed and calculated for the alteration, expansion or replacement of a Building or Dwelling Unit or the construction of an Accessory Building or Structure if the alteration, expansion or replacement of the Building or Dwelling Unit or the construction of an Accessory Building or Structure results in a land use determined to generate greater External Trips than the present use under the applicable Road Impact Fee Rate. The Road Impact Fee imposed under the applicable Road Impact Fee Rate shall be calculated as follows:

(A) If the Road Impact Fee is calculated on land use and not Square Footage, the Road Impact Fee imposed shall be the Road Impact Fee due under the applicable Road Impact Fee Rate for the Impact Fee Land Use Category resulting from the alteration, expansion or replacement, less the Road Impact Fee that would be imposed under the applicable Road Impact Fee Rate for the Impact Fee Land Use Category prior to the alteration, expansion or replacement.

(B) In the event the Square Footage of a Building is increased, the Road Impact Fee Rate for the increased Square Footage represented by the Road Impact Construction shall be at the Road Impact Fee Rate applicable to Road Impact Construction with Square Footage resulting from the alteration, expansion or replacement, less the Road Impact Fee that would be imposed under the applicable Square Footage prior to the alteration, expansion or replacement.

(C) The Road Impact Fee imposed for any Accessory Building or Structure shall be that applicable under the Road Impact Fee Rate for the land use for the primary Building.

SECTION 13. PAYMENT.

(A) The Road Impact Fee is due and should be paid prior to and as a condition of Development Approval of all Road Impact Construction. The applicable Road Impact Fee shall be paid directly to the governmental entity issuing the Development Approval, whether it be the County or a City.

(B) All Road Impact Fees paid to a City shall be remitted by that City directly to the County within thirty days if receipt thereof.

(C) The obligation for payment of the Road Impact Fee shall run with the land.

(D) The payment of the Road Impact Fee shall be in addition to any other fees, charges or assessments of the County or City.

SECTION 14. PAYMENT OF ROAD IMPACT FEE IN INSTALLMENTS IN THE FORM OF AN ANNUAL TRANSPORTATION ASSESSMENT.

(A) An Owner may exercise the privilege of paying the Road Impact Fee in installments rather than in a lump sum at the time of Development Approval by entering into the Consent and Acknowledgement Agreement required in this Section.

(B) The Consent and Acknowledgement Agreement shall provide that, in return for the privilege of paying the Road Impact Fee in installments, the Owner acknowledges that the subject property is specially benefited by the improvements to the County Road System within the Road Construction District in which the subject property is located, and that the installments shall be considered special assessments levied as non-ad valorem assessments pursuant to the Uniform Assessment Collection Act. The Consent and Acknowledgment Agreement shall additionally contain the following information:

(1) The Owners and a description of all Assessed Property conforming to the parcel description on the Assessment Roll; and

(2) The information required to be provided in the first class notices required under the Uniform Assessment Collection Act.

(3) The amount of the annual transportation assessment and the interest rate or rate basis to be charged.

(C) (1) As a condition precedent to the Owner receiving the privilege of paying Road Impact Fees in installments, the County and the Owner shall enter into a Consent and Acknowledgement Agreement and the Owner shall pay the Initial Assessment Installment.

(2) Each Consent and Acknowledgement Agreement shall include:

- (a) an acknowledgement, agreement, and admission by the Owner that the Capacity Assessment Development described therein is specially benefited by the Impact Fee;
- (b) that the Impact Fee Study provides a fair and reasonable allocation between the cost of the impact imposed by the Capacity Assessment Development and the special benefit to the Capacity Assessment Development from having its growth impact mitigated; and
- (c) waiver of the notice by mail provisions contained in the Uniform Assessment Collection Act.

(3) Each Consent and Acknowledgement Agreement shall be a covenant that runs with the land and shall be recorded in the public records of Santa Rosa County.

(D) The assessments shall be adopted and collected pursuant to F.S. §197.3632 and §197.3635.

(E) The Final Assessment Resolution shall constitute the Annual Rate Resolution for the initial Fiscal Year in which an Annual Transportation Assessment is imposed or reimposed hereunder.

(F) The Annual Transportation Assessment for the initial Fiscal Year shall be established upon adoption of the Final Assessment Resolution. The adoption of the Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the reasonableness of the legislative determination of special benefit and fair apportionment to the Assessed Property; the reasonableness of the method of apportionment; the enforceability and accuracy of the calculation of the initial rate of assessment and the preparation of the initial Assessment Roll; and the validity and enforceability of the lien of the Annual Transportation Assessment), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the Board action on the Final Assessment Resolution.

(G) Prior to August 1 of each Fiscal Year, each Owner of an Assessed Parcel shall have the right to prepay for the Prepayment Amount for the outstanding and unpaid installments during the Assessment Term for an Annual Transportation Assessment.

SECTION 15. ALTERNATIVE COLLECTION METHOD. In the event the Road Impact Fee is not paid as a condition of Development Approval of the affected Road Impact

Construction, the County may elect to collect the Road Impact Fee by any other method which is not contrary to law.

SECTION 16. DEVELOPER CONTRIBUTION CREDIT.

(A) A credit may be granted against the Road Impact Fee imposed pursuant to Sections 7 or 8 of this Ordinance, as applicable, for the donation of land or for the construction of any Off-Site Improvements to designated County roads required pursuant to a development order of the County or voluntarily made in connection with Road Impact Construction. Such land donation, construction and improvement shall be subject to approval by the Board and the following standards:

(1) The donated land shall be an integral part of and a necessary accommodation of the contemplated Off-Site Improvements to designated County roads; and

(2) The Off-Site Improvements to be constructed shall be an integral part of and a necessary accommodation of the contemplated Off-Site Improvements to designated County roads and shall exclude Access Improvements.

(B) The amount of developer contribution credit to be applied to the Road Impact Fee shall be determined according to the following standards of valuation:

(1) The value of donated land shall be based upon a written appraisal of fair market value by a qualified and professional appraiser and based upon comparable sales of similar property between unrelated parties in a bargaining transaction, if available;

(2) The actual cost of construction of Off-Site Improvements to a designated county road shall be based upon cost certified by a professional architect or engineer. However, in no event shall any credit be granted for construction of Off-Site Improvements in excess of the estimated construction costs approved by the County unless the construction project is competitively bid, in which case the credit shall be limited to the actual costs or one hundred twenty (120) percent of the bid amounts, whichever is less; and

(C) Prior to issuance of a Building Permit, final plat approval, or other final development order the Applicant shall submit to the Planning Director a proposed plan for the construction or donation of Off-Site Improvements to a designated county road. The proposed plan shall include:

(1) A designation of the Road Impact Construction for which the plan is being submitted;

(2) A list of the contemplated Off-Site Improvements to the County Road System;

(3) A legal description of any land proposed to be donated and a written appraisal prepared in conformity with subsection (B)(1) of this Section;

(4) An estimate of proposed construction costs certified by a professional engineer or professional architect; and

(5) A proposed time schedule for completion of the proposed plan.

(D) Upon receipt of the proposed plan, the Planning Director shall determine if the proposed plan meets all the requirements of this Section. If all requirements are met, the Planning Director shall schedule the proposed plan as an agenda item for the Board. The Planning Director shall provide the Applicant or Owner written notice of the time and place of said Board meeting. The proposed plan shall be heard by the Board within forty-five (45) days of the date the proposed plan, which meets all the requirements of this Section, was submitted.

(E) The Board shall determine:

(1) If such proposed plan of construction or donation is in conformity with contemplated Off-Site Improvements to the County Road System;

(2) If the proposed donation is consistent with the public interest;

(3) If the proposed construction and donation time schedule is consistent with the County transportation work schedule; and

(4) If eligible for credit, the amount of developer contribution credit based upon the above standards of valuation.

(F) Upon approval by the Board, the County Attorney shall prepare a contribution agreement with the Applicant.

(G) All construction cost estimates shall be based upon and all construction plans and specifications shall be in conformity with the road construction standards of the County. All plans and specifications shall be approved by the county engineer prior to commencement of construction.

(H) Any Applicant who submits a proposed plan pursuant to this Section and desires the immediate issuance of a Building Permit shall pay the applicable Road Impact Fee prior to or at the time the request for hearing is filed. Said payment shall be deemed paid "under protest"

and shall not be construed as a waiver of any review rights. Any difference shall be refunded to the Applicant or Owner.

(I) Nothing contained herein shall be construed to qualify the donation of land which is required as right-of-way or the construction of Access Improvements for a developer contribution credit.

SECTION 17. REVIEW HEARINGS.

(A) An Applicant or Owner who is required to pay a Road Impact Fee pursuant to Sections 7 or 8, as applicable, shall have the right to request a review hearing.

(B) Such hearing shall be limited to the review of the following:

(1) The application or calculation of the Road Impact Fee pursuant to Sections 7 or 8, as applicable; and

(2) The rejection of the Alternative Road Impact Fee calculation pursuant to Section 9.

(C) Such hearing shall be requested by the Applicant or Owner within thirty (30) days of the date of first receipt of the following:

(1) Notice that the Road Impact Fee is due; and

(2) Negative determination on a proposed Alternative Road Impact Fee.

Failure to request a hearing within the time provided shall be deemed a waiver of such right.

(D) The request for hearing shall be filed with the Planning Director and shall contain the following:

(1) The name and address of the Applicant or Owner;

(2) The legal description of the property in question;

(3) If issued, the date the Building Permit was issued;

(4) A brief description of the nature of the construction being undertaken pursuant to the Building Permit;

(5) If paid, the date the Road Impact Fee was paid; and

(6) A statement of the reasons why the Applicant or Owner is requesting the hearing.

(E) Upon receipt of such request, the Planning Director shall schedule a hearing before the Board at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the Applicant and Owner written notice of the time and

place of the hearing. Such hearing shall be held within forty-five (45) days of the date the request for hearing was filed.

(F) Such hearing shall be before the Board and shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.

(G) Any Applicant or Owner who requests a hearing pursuant to this Section and desires the immediate issuance of a Building Permit, or if a Building Permit has been issued without the payment of the Road Impact Fee, shall pay prior to or at the time the request for hearing is filed, the applicable Road Impact Fee pursuant to Sections 7 or 8, as applicable. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights.

(H) An Applicant or Owner may request a hearing under this Section without paying the applicable Road Impact Fee, but no Building Permit shall be issued until such Road Impact Fee is paid in the amount initially calculated or the amount approved upon completion of the review provided in this Section.

SECTION 18. REVIEW REQUIREMENT. This article and the Impact Fee Study shall be reviewed by the Board each year for the first three (3) years after adoption and at least every three (3) years thereafter. The initial and each review thereafter shall consider new estimates of population and other socioeconomic data, changes in land acquisition and related costs, and adjustments to the assumptions, conclusions or findings set forth in the study adopted by Section 5. Each review shall additionally consider changes in right-of-way acquisition and related costs and changes in Trip Generation Rates, External Trip lengths and traffic volume counts. In the event the review of this article required by this Section alters or changes the assumptions, conclusions and findings of the studies adopted by reference in Section 5, or alters or changes the amount or classification of the Road Impact Fee, the study adopted by reference in Section 5 shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and Section 5 shall be amended to adopt by reference such updated studies. Such revised studies shall be appended to this Ordinance and adopted by reference and incorporated herein.

SECTION 19. CODIFICATION. The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the County of Santa Rosa. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section”, “article”, or any other appropriate word.

SECTION 20. SEVERABILITY. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

SECTION 21. EFFECTIVE DATE. This Santa Rosa County Roadway Impact Fee Ordinance shall take effect January 1, 2006.

PASSED AND ADOPTED by a vote of ___ yeas and ___ nays, and ___ absent of the Board of County Commissioners of Santa Rosa County, Florida, this _8th_ day of December, 2005.

**BOARD OF COUNTY COMMISSIONERS
SANTA ROSA COUNTY, FLORIDA**

By _____
Chairman

ATTEST:

Clerk

I, Mary M. Johnson, Clerk of Court of Santa Rosa County, Florida, do hereby certify that the same was adopted and filed of record and a copy deposited in the Postal Department of the United States of America for delivery by registered mail to the Secretary of State of Florida, on this ____ day of _____, 2005.

Clerk of Court

APPENDIX A

**TECHNICAL MEMORANDUM ON THE METHODS
OF CALCULATING ROADS IMPACT FEES
DATED AUGUST, 2005**

APPENDIX B

ROAD CONSTRUCTION DISTRICTS